

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**DOCKET NO. 3:08-CV-336-FDW**

**KENNETH S. POWELL, II,**

**Plaintiff**

**vs.**

**BEATTIES FORD MEMORIAL  
GARDENS, INC., and DAVID LOVE,**

**Defendants.**

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**ORDER**

THIS MATTER is before the Court *sua sponte* concerning the status of the case. The complaint was filed nearly one year ago, service of process has not been made on any defendant, and Plaintiff has not timely responded to this Court's order to show cause why the action should not be dismissed for failure to prosecute. Accordingly, this action is involuntarily DISMISSED pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

IT IS SO ORDERED.

Signed: January 15, 2009



Frank D. Whitney  
United States District Judge

